

**KENNETH R. ARNOLD**

ATTORNEY-AT-LAW  
49 Valley Drive—Suite 200  
Furlong, PA 18925

**Also Admitted**

New York  
New Jersey

**Telephone/Facsimile/e-mail**

Voice: (215) 794-3531  
Fax: (215) 794-3519  
karnold@comcat.com

March 5, 2004

U.S. Environmental Protection Agency  
Martha Bosworth, Enforcement Coordinator  
Office of Site Remediation and Restoration (HBS)  
One Congress Street – Suite 1100  
Boston, MA 02114

ATTN: Wells G&H Case Team

**RE: Wells G&H Superfund Site in Woburn, MA**  
**EPA Request for Information dated December 15, 2003**

Dear Ms. Bosworth:

I am writing on behalf of Henkel Corporation ("Henkel") and Cognis Corporation as successor to Henkel ("Cognis") in response to the December 15, 2003 Request for Information ("Request") issued by the U.S. Environmental Protection Agency ("EPA") to "Henkel, Inc." regarding the Wells G&H Superfund Site located in Woburn, Massachusetts (the "Site"). This submission is timely, insofar as EPA granted an extension of time to respond until March 5, 2004.

Based upon information and belief, Henkel, Inc. was formed in 1971. On or about December 27, 1978, the name "Henkel, Inc." was changed to "Henkel Corporation." Cognis was incorporated on September 8, 1999, commenced business operations as a separate legal entity on January 1, 2000, and succeeded to the assets of the former chemicals businesses of Henkel.

According to the Request, EPA states that it has information associating Henkel, Inc. with the Whitney Barrel Company ("Whitney") located at 256 Salem Street in Woburn, Massachusetts -- which is situated within the Wells G&H Superfund Site. EPA also advises that the only nexus information linking Henkel to the Site involves reference to "Henkel, Inc." on a Whitney "customer list."

Henkel and Cognis conducted an investigation to determine which, if any, of its current or former manufacturing facilities had connections to either Whitney or the Site, and therefore fall within the scope of the Request. Following that review, it was determined that a former Henkel facility located at 212-228 Central

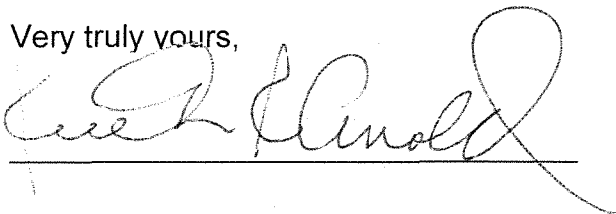
Street in Saugus, Massachusetts would be an appropriate subject of the Request. The operations at the Saugus facility related to the wet and dry process treatment of leather products. The facility was acquired by Henkel, Inc. on or about September 30, 1974 in the asset acquisition of Eastern Industrial Oil Products Co. The facility operated until June 1991, when all manufacturing operations at Saugus were discontinued. The Saugus property was ultimately sold in 2001. Cognis did not at any time conduct any manufacturing operations at Saugus.

John J. Kelleher, Plant Manager at Saugus from 1977 until the facility's closure in 1991, advised that the facility purchased clean drums from Whitney. Mr. Kelleher further advised that it was a practice at the Saugus facility to rinse drums that originally contained any raw materials shipped into the plant. These drums were subsequently made available for pick-up by suppliers delivering clean drums. Mr. Kelleher stated that no documentation was generated by this activity. According to Mr. Kelleher, drums purchased from Whitney (or other drum suppliers) that were unsuitable for use were returned to Whitney (or other drum suppliers).

Thus, Henkel's only involvement with Whitney consisted of (1) the receipt of clean drums from (and/or the return of clean drums to) Whitney and/or (2) making rinsed drums available to Whitney for recycling. No wastes or other materials, which might have been generated at the Saugus facility, would have reached Whitney's property from Saugus or its operations.

Henkel and Cognis respectfully submit that the foregoing information adequately responds to the Request for Information. We are unaware of additional information that would facilitate EPA's continuing investigation of the source, extent and nature of the release or threatened release of any hazardous substance, pollutant or contaminant, of hazardous waste at Whitney or the Site. Should EPA require additional information, any such request will be afforded every consideration. In the meantime, Henkel and Cognis expect to close their files on this matter.

Very truly yours,

A handwritten signature in dark ink, appearing to read "K. Chu", is written over a horizontal line.

cc: K. Chu (Henkel)  
S. Post (Cognis)

**KENNETH R. ARNOLD**  
**ATTORNEY-AT-LAW**  
49 Valley Drive–Suite 200  
Furlong, PA 18925

Also Admitted  
New York  
New Jersey

Telephone/Facsimile/e-mail  
Voice: (215) 794-3531  
Fax: (215) 794-3519  
karnold@comcat.com

December 5, 2005

U.S. Environmental Protection Agency  
Martha Bosworth, Enforcement Coordinator  
Office of Site Remediation and Restoration (HBS)  
One Congress Street – Suite 1100  
Boston, MA 02114

Attention: Wells G&H Case Team

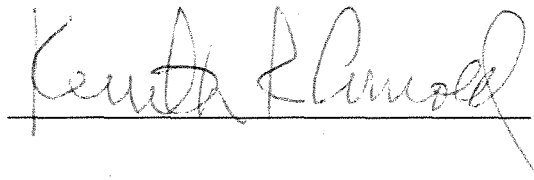
**RE: Supplemental Request for Information Pursuant to Section 104  
of CERCLA in relation to the former Whitney Barrel Company  
at the Wells G&H Superfund Site in Woburn, Massachusetts,  
hereinafter referred to as the "Site"**

Dear Ms. Bosworth:

Attached is the response to the Supplemental Section 104(e) Request for Information (the "104(e) Request") contained in your August 16, 2005 letter to Henkel Inc./Cognis Corporation (the "Letter").

The time within which to respond to the 104(e) Request has been extended up to and including December 5, 2005. Accordingly, this response is timely.

Very truly yours,



Attachment

CC: K. Chu

## INFORMATION REQUEST QUESTIONS

### General Questions

1. In your 104(e) response, you stated that Cognis Corporation “succeeded to the assets of the former chemicals businesses of Henkel.” Please describe the organization of each company and the relationship between Henkel and Cognis.

**On September 8, 1999, Cognis Corporation (“Cognis”) was incorporated under the laws of the state of Delaware. Effective December 31, 1999, the chemicals group of Henkel Corporation (“Henkel”) was carved out and contributed to Cognis. Cognis began operations as a separate legal entity on January 1, 2000. Effective November 30, 2001, the stock of Cognis was acquired by a third party and as a result, Henkel and Cognis were no longer affiliated entities.**

2. In you 104(2) response, you state that you acquired the Saugus, Massachusetts facility on or about September 30, 1974 in the “asset acquisition” of Eastern Industrial Oil Products Co. Please provide:

- a. A description of the assets you acquired from Eastern Industrial Oil Products Co.; and

**The following description is taken from Section 1 of the Agreement made September 9, 1974, between Eastern Industrial Oil Products Co., (“Eastern”) and Vortextol Company (Vortextol”) (Collectively “Seller”) and Henkel, Inc. (Henkel, Inc.) (“Buyer) (the “Agreement”):**

**“... all of SELLER’S then existing assets and business as a going concern, including, without limitation, all of SELLER’S right to the use of the names “Eastern Industrial Oil Products” and “Vortexol”, or any variant thereof. The assets so to be sold and delivered shall consist of those assets owned by or for SELLER on July 31, 1974, including without limitation, those reflected in SELLER’S balance sheets (hereinafter defined in subparagraph 3 (d) ), with such changes therein, and only such changes, as shall have occurred in the ordinary course of SELLER’S business between November 30, 1973 (Eastern), December 31, 1973 (Vortexol) and the closing. ...”**

**Excluded from the above description were certain interests in certain Mexican corporations.**

- b. A description of the circumstances of this transaction (e.g., merger, bankruptcy, etc.)

**Sale of Assets, with the assumption of certain liabilities to the extent provided for in paragraph 8, none of which relate to environmental liabilities.**

However, included among the liabilities assumed is an Account Payable to Whitney Barrel Co. in the amount of \$2,014.00 and two Accounts Payable to Edward Whitney & Son, in the amounts of \$3,557.00 and \$2,274.00. This information is reflected in the list of Accounts Payable attached to the Agreement. This information supports the contention of Henkel and Cognis in the March 3, 2004 response to the initial 104(e) request for information, that any connection with Whitney Barrel Co. was that of a customer and not of as "supplier".

Whitney Barrel Co., does not appear on any list of Accounts Receivables received in connection with the asset sale.

**Information Concerning Respondent's Association with Whitney Barrel**

1. In your 104(e) response, you stated that Henkel may have made "rinsed" drums available to Whitney Barrel for recycling. Please describe what is meant by your reference to "rinsed" drums. Also, please clarify what you mean by the phrase "made available" in terms of drums designated for recycling.

**Drum "rinsing" consisted of rinsing a drum with hot water of any visible residue of water-soluble oil and a steam clean for grease.**

**The drums were made available to drum suppliers by periodically and randomly being placed in a shed on the loading dock.**

2. For each shipment of used containers to Whitney Barrel, please provide:
  - a. The dates of each pickup and delivery;
  - b. The number of containers;
  - c. The type(s) of containers;
  - d. The size(s) of the containers
  - e. The condition of each container;
  - f. The original and any subsequently added contents (i.e., bulk raw material storage, finished product packaging, and/or waste storage), including but not limited to residues, of each container sent/delivered included:
    - i. the name of each material;

- ii. the chemical composition of each material;
  - iii. the physical state of each material (e.g., solid, sludge, liquid);
  - iv. the volume of each material
- g. A description of the process Respondent used to empty, rinse, and/or clean the containers prior to pick-up/delivery;
  - h. A description of how Respondent disposed of any emptied materials and/or rinse water; and
  - i. Any documentation or additional information regarding these transactions.

**(a) The dates of each pickup and delivery would be at various times during the years of operations of the Saugus facility. No records have been found to document any specific dates.**

**However, the question should more appropriately be phrased as “the overall dates for delivery and pick up”, since the barrel supplier’s primary purpose in visiting the Saugus facility was to deliver drums. The pick up of drums was incidental to that primary purpose.**

**(b) There would likely be an accumulation of 20-30 drums. The cost of a new drum justified the purchase of recycled drums, which could be purchased for considerably less than a new drum.**

**(c) Drums**

**(i) Open head drums were made of steel – would have a top to close it along with a gasket**

**(ii) Closed head drums were made of steel but would have a bung (a plug) on top to close it. These were generally for overseas shipments to customers.**

**(d) 55 gallons**

**(e) Good to fair**

**(f) (i) No documentation has been located, which could be used to describe the contents of drums contained in each shipment of used containers to Whitney Barrel. Regardless of the original contents, all drums contained in any**

shipment of used containers to Whitney Barrel or to any other drum supplier were rinsed as described herein.

- (ii) Water soluble liquid oil
- (iii) Water soluble liquid oil
- (iv) After rinsing – residue would range from 0-1”

(h) – Drums would be placed flat down, tilted on pipes with steam jets – in a large bath tub like vessel laying down on its side– a tarp would be placed over it – jets turned on – steam applied - residue drained into a tank and then to a waste water treatment facility and discharged at a pH of between 6-10. The parameters were regulated by the City of Lynn, MA POTW.

Caustic Soda; Sodium Hydroxide and Ammonia were used to treat the waste water to recapture the oil, which was skimmed off and stored for re-use

Water would then flow out through a meter device into a tank and then into the sewer.

(i) No documentation has been located.

3. In your 104(e) response, you state that “drums purchased from Whitney Barrel (or other drum suppliers) that were unsuitable for use were returned to Whitney Barrel (or other drums suppliers).” Please describe what you would consider to be an “unsuitable” drum.

**Unsuitable meant a drum was leaking or a drum was out of round or could not be sealed.**

4. Please describe any instances where an “unsuitable” drum from a supplier other than Whitney Barrel would have been sent/delivered to Whitney Barrel rather than returned to the original drum supplier.

**There were no set procedures in place. When an unsuitable drum was ready for “return” to a supplier, it was placed on the loading dock and the next supplier who delivered drums would pick up and take back any unsuitable drums.**

**Information Concerning Respondent’s Association with any other Drum Reconditioning and/or Recycling Companies**

1. Please identify the drum reconditioning/recycling companies Respondent sent/delivered drums to including, but not limited to, Edward C. Whitney & Son, Inc. (also known as E. C. Whitney), Kingston Steel Drum/Great Lakes Container Corporation (now known as Mallinckrodt, Inc.), Kingsland Drum Company, Roche Brothers Barrel & Drum Co., Roy Brothers, Inc., Ryan Barrel Company, and Woburn Barrel.

**Whitney & Sons**

**Roche Brothers Barrel & Drum Co./ Harvey Aaronson – Peabody, MA**

**Roy Brothers, Inc. – It provided bulk tank deliveries of raw materials and bulk tank shipments of finished products – but did not use drums.**

2. For each company identified above, please describe:
  - a. The full name of each company or individual;
  - b. The full address for each company or individual;
  - c. How frequently you sent/delivered drums to each company;
  - d. The time period during which drums were sent/delivered;
  - e. The original and any subsequently added contents (i.e., bulk raw material storage, finished product packaging, and/or waste storage), including but not limited to residues, of each container sent/delivered including:
    - i. the name of each material;
    - ii. the chemical composition of each material;
    - iii. the physical state of each material (e.g., solid, sludge, liquid);
    - iv. the volume of each material;
  - f. A description of the process Respondent used to empty, rinse, and/or clean the drums prior to pick-up/delivery;



g. A description of how Respondent disposed of any emptied materials and/or rinse water; and

h. Provide any documentation or additional information related to these transactions.

**(a) Roy Brothers, Inc.**

**(b) Route 3A, Billerica, MA**

**(c) Unable to determine**

**(d) The dates of each pickup and delivery would be at various times during the years of operations of the Saugus facility. No records have been found to document any specific dates .**

**(e) See Response to Information Concerning Respondent's Association with Whitney Barrel –Section 2 (f)**

**(f) See Response to Information Concerning Respondent's Association with Whitney Barrel –Section 2 (g)**

**(g) See Response to Information Concerning Respondent's Association with Whitney Barrel –Section 2 (h).**

**(h) No documentation has been located.**

#### **Compliance with this Request**

Note: All questions in this section refer to the present time unless otherwise indicated.

1. Describe all sources reviewed or consulted in responding to this request and all individuals who have any knowledge of, or information about, the subject matter of any of the foregoing questions, including but not limited to:

a. The name of each individual;

**John J. Kelleher, Plant Manager at the Saugus facility from 1977 to the facility's closure in 1991**

b. The current job title and job description of each individual;

**Retired - Mr. Kelleher is no longer employed by either Henkel or Cognis**

- c. The job title and job description during the period being investigated of each individual;

**See 1 a above**

- d. Whether each individual is a current or past employee of Respondent;

**See 1 a and b above**

- e. A description of the types of information the individual possesses (i.e., specific information on company operations, wastes generated, and/or waste disposal practices);

**As Plant Manager, Mr. Kelleher would have had specific knowledge regarding the information sought. However, the information he previously and currently provided was based upon his recollections.**

- f. The names of all divisions or offices of Respondent for which records were reviewed;

**The former Saugus MA facility of Henkel was the subject of the current investigation for the purpose of obtaining information to respond to this Supplemental 104(e) Request for Information. No records, other than the Sale of Assets Agreement were available which were pertinent to the Supplemental 104(e) Request for information. An interview with John J. Kelleher, former Plant Manager for the Saugus MA facility was conducted to obtain information.**

- g. The nature of all documents reviewed;

**Sale of Assets Agreement, Closing Binder**

- h. The locations where those documents reviewed were kept prior to review; and

**Henkel Corporation headquarters location at 2200 Renaissance Boulevard, Gulph Mills, PA 19406**

- i. The location where those documents reviewed are currently kept.

**Henkel Corporation headquarters location at 2200 Renaissance Boulevard, Gulph Mills, PA 19406**